

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 786 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 12/03/2004 in WP No. 20041 OF 2003 on the file of the High
Court.)

Between:

The Executive Officer,
Secunderabad Cantonment Board,
Secunderabad.

.....
APPELLANT

AND

- 1 Sri Sharad Pitti, S/o Badri Vishal Pitti,
R/o 6-3-648, Moti Bhavan,
Somajiguda, Hyderabad.
- 2 The Union of India rep.by its Secretary,
Ministry of Defence,
New Delhi.
- 3 The Director General of Defence Estates,
Ministry of Defence, Govt.of India, New Delhi.
- 4 The Defence Estate Officer, A.P.Circle,
Cantonment Board,
Secunderabad.

.....RESPONDENTS

For the Appellant

:MR.Y.V.RAVI PRASAD, Advocate.

For the Respondent : Mr. G.TIRUPATHI REDDY for R-1

Mr. A.Rajasekhar Reddy, Standing

counsel for Central Govt. for R-2 to R-4

The Court Made the Following :

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

Appellant had filed an application praying to vacate the stay, which has been granted by the learned single Judge. The vacate stay petition came up before the Court on 12-03-2004 and was dismissed thereby the interim stay granted on 14-10-2003 was made absolute with further direction that the writ petitioner shall not make construction without obtaining prior permission from the Defence Estate officer in the Scheduled property.

Learned counsel for the appellant states that the appellant earlier moved vacate stay petition, but unfortunately when it came up for consideration, he did not present himself as his close relation had expired and he had to leave the station and he was unable to attend the court and take care of his case.

Instead of hearing the appeal, we are of the view that in the circumstances explained before us, we allow the appeal and set aside the impugned order with direction to the learned single Judge to hear and dispose of the vacate stay petition afresh. The learned single Judge will now hear and dispose of WVMP No.4197 of 2003 and WPMP No.25117 of 2003 afresh. The parties shall appear before the learned single Judge on

05th July, 2004. The appeal is accordingly allowed.

DEVINDER GUPTA, C.J.

G.ROHINI,J

bsc
To

1. Sri Sharad Pitti, S/o Badri Vishal Pitti,
R/o 6-3-648, Moti Bhavan,
Somajiguda, Hyderabad.
2. The Union of India rep.by its Secretary,
Ministry of Defence,
New Delhi.
3. The Director General of Defence Estates,
Ministry of Defence, Govt.of India, New Delhi.
4. The Defence Estate Officer, A.P.Circle,
Cantonment Board,
Secunderabad.
5. The Chief Judge, CCC, Hyderabad
6. 2 CD copies
7. The Registrar (Judicial), High Court of A.P., Hyderabad – for
taking necessary steps in the matter.